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AMT

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

NGUYEN, L

ART UNIT

PAPER NUMBER

2612

22

DATE MAILED:

05/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

AMT

Office Action Summary

Application No.
08/962,645

Applicant(s)
Kawai

Examiner
Luong Nguyen

Art Unit
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 27, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23, 28, and 30-38 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 28, and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-23, 28, 30-31 filed on 2/27/2001 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 33-38 filed on 2/27/2001 have been considered but are moot in view of the new ground(s) of rejection.

In re pages 17-18, the Applicant argues that Ohyama, Saito do not teach or suggest a first detection unit that detects an angle of the image pickup direction and determines whether the detected angle is equal to a predetermined angle, as recited in Applicant's claim 1.

In response, regarding claim 1, the Applicant claimed claim 1 with the claim limitation "a first detection unit adapted to detect an angle of the image pickup direction and for determining whether the detected angle is equal to a predetermined angle." The Examiner considers that claim 1 as claimed still do not distinguish over Ohyama et al. in view of Saito further in view of Morimura and Ishikawa et al.. Saito teaches an sensor which is provided to a video camera for detecting an orientation position of the video camera (detect an angle of the image pickup direction, column 7, lines 25-38, column 8, lines 48-54). Saito also discloses that a switch (0) is used for detecting the position signal. This signal is sent to the switch SW, and setting values (determining whether the detected angle is equal to a predetermined angle, column 7, lines 34-37).

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In re pages 20-21, the Applicant argues that neither Ohyama, Saito, Morimura nor Ishikawa, teach or suggest a detection unit that detects an angle of the image pickup direction of an image pickup unit, or a storage unit that stores the image signal output from the image pickup unit only when an image pickup direction of the image pickup unit detected by the detecting unit is a direction for picking up the subject on a mount table, as recited in Applicant's claim 7.

In response, regarding claim 7, the Applicant claimed claim 7 with the claim limitation "detection unit that detects an angle of the image pickup direction of an image pickup unit, and a storage unit that stores the image signal output from the image pickup unit only when an image pickup direction of the image pickup unit detected by the detecting unit is a direction for picking up the subject on a mount table." The Examiner considers that claim 7 as claimed still do not distinguish over Ohyama et al. in view of Saito further in view of Morimura and Ishikawa et al.. Saito teaches an sensor which is provided to a video camera for detecting an orientation position of the video camera (detect an angle of the image pickup direction, column 7, lines 25-38, column 8, lines 48-54). Morimura teaches frame memory 5 and 6 which store image signal outputted from video camera 3 (storage unit, figure 4, column 3, line 65 through column 4, line 16). Ohyama et al. disclose a support frame for supporting the camera unit at a predetermined position (predetermined angle) relative to the original pedestal (mount table, column 2, lines 5-10). Morimura discloses the system stores signals at all times, which is not clear, it also stores signals when the camera is detected at any predetermined location (predetermined angle). By applying

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the teaching of Ishikawa et al. into Ohyama et al., Saito and Morimura system, this system can also store image signal only when the predetermined angle is detected.

Claim Objections

2. Claim 37 is objected to because of the following informalities:

Claim 37, line 2, "a white balance mode" should be changed to --the white balance mode--

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 14-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 14, there is no disclosure to describe the newly added limitation "an inhibiting unit adapted to inhibit the image signal of one subject or more picked up by said image pick up unit from being stored when an angle detected by said first detection unit is different from said predetermined angle."

Claims 15-23 are rejected as being dependent on claim 14.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 33-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito (US 5,631,699).

Regarding claim 33, Saito discloses a video camera system comprising a detection unit, disclosed as an acceleration sensor for detecting an orientation position of camera (column 7, lines 25-33, column 8, lines 48-51); a control unit adapted to change a white balance mode in accordance with a result of said detection unit (column 6, lines 12-37, column 7, lines 25-33).

Regarding claim 34, Saito discloses wherein said control unit controls the white balance mode that a predetermined white balance data is set when the angle of the image pickup direction is detected a predetermined angle by said detection unit (column 6, lines 12-37).

Regarding claim 35, Saito discloses wherein said control unit controls auto white balance in accordance with a result of said detection unit.

As for claims 36-38, claims 36-38 are method claims of apparatus claims 33-35. Therefore, claims 36-38 are rejected for the reason given respect to claims 33-35, respectively.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 7-8, 10-18, 20-23, 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohyama et al (US 5,247,330) in view of Saito (US 5,631,699) further in view of Morimura (US 5,940,128) and Ishikawa et al. (US 4,939,580).

Regarding claim 1, Ohyama et al. disclose an image input device comprising an image pickup unit, disclosed as camera unit 2 (figure 1, column 3, lines 1-5); an image pickup direction switch, disclosed as button 12 (figure 1, column 4, lines 34-40). Ohyama et al. disclose a support unit for supporting the camera unit at a predetermined position (predetermined angle). Ohyama et al. fail to specifically disclose a first detection unit adapted to detect an angle of the image pickup direction. However, Saito teaches an sensor which is provided to a video camera for detecting an orientation position of the video camera (column 8, lines 48-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ohyama et al. by the teaching of Saito in order to detect orientation position of the video camera (angle of the image pickup direction, column 8, lines 48-54). Ohyama et al. and Saito fail to specifically disclose a storage unit adapted to store an image signal. However, Morimura teaches frame memory 5 and 6 which store image signal outputted from video camera 3 (figure 4,

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column 3, line 65 through column 4, line 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ohyama et al. and Saito by the teaching of Morimura in order to store image signal. Ohyama et al., Saito and Morimura fail to explicitly disclose storage means stores image signal only when the predetermined angle is detected. However, Ishikawa et al. teach means for detecting whether or not the camera is movable, and means for inhibiting the video signal from being output when the camera moves (abstract, column 7, lines 13-16, column 9, lines 9-12, column 11, lines 1-35). Morimura discloses the system stores signals at all times, which is not clear, it also stores signals when the camera is detected at any predetermined location (predetermined angle). By applying the teaching of Ishikawa et al. into Ohyama et al., Saito and Morimura system, this system can also store image signal only when the predetermined angle is detected. This allows an undesirable and useless picture is erased (column 2, lines 14-15).

As for claims 2 and 15, Saito discloses the second detection unit which can also be considered as first detection unit as discussed in claim 1. If the camera is fixed and not moving, this detection part will detect this.

Regarding claims 3 and 16, in Ohyama et al., figure 1 shows camera unit 2 which moves in the direction indicated by arrow a (column 4, lines 34-40). Although a moto-type driving means is not explicitly shown, it is considered inherent since the camera moves presumably in response to a user input button 12.

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Regarding claims 4 and 17, Ohyama et al. disclose the camera unit 2 is capable of moving in the direction indicated by arrow a (column 4, lines 34-40). It would have been obvious to move camera between imaging a document and imaging a person in order to let the user select a desired direction. Images are stores from the camera at all times. Therefore, the time at which the camera changes position from a document to a person is also stored.

Regarding claims 5 and 18, Morimura discloses a control unit to control the storage unit as microcomputer 17 (figure 10).

Claim 7 is considered substantively equivalent to claim 1 with the additional limitation of a mount table. This clearly shown as original pedestal 5 in figure 1 of Ohyama et al.. The “predetermined angle” of claim 1 is equivalent to the “direction for picking up said subject on said mount table”.

Regarding claim 8, Morimura discloses the control unit as microcomputer 17 (figure 10).

Claim 10 is considered substantively equivalent to claim 1 discussed above.

Claim 11 is considered substantively equivalent to claim 4 discussed above.

Claim 12 is considered substantively equivalent to claim 5 discussed above.

Regarding claim 13, figure 4 in Morimura shows that the images stored in the memory are readout. Morimura discloses that the system stores signals at all times, that inherently includes those times when the camera is located at an angle not equal to the predetermined angle.

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Regarding claims 14, 23, Ohyama et al. disclose an image input device comprising an image pickup unit, disclosed as camera unit 2 (figure 1, column 3, lines 1-5); an image pickup direction switch, disclosed as button 12 (figure 1, column 4, lines 34-40). Ohyama et al. disclose a support unit for supporting the camera unit at a predetermined position (predetermined angle). Ohyama et al. disclose mount table as original pedestal 5 in figure 1. Ohyama et al. fail to specifically disclose a first detection unit adapted to detect an angle of the image pickup direction. However, Saito teaches an sensor which is provided to a video camera for detecting an orientation position of the video camera (column 8, lines 48-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ohyama et al. by the teaching of Saito in order to detect orientation position of the video camera (angle of the image pickup direction, column 8, lines 48-54). Ohyama et al. and Saito fail to specifically disclose a storage unit adapted to store the image signal of one object or more. However, Morimura teaches frame memory 5 and 6 which store image signal outputted from video camera 3 (figure 4, column 3, line 65 through column 4, line 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ohyama et al. and Saito by the teaching of Morimura in order to store image signal. Ohyama et al., Saito and Morimura fail to explicitly disclose storage unit stores image signal in accordance with a result that a predetermined angle is detected. However, Ishikawa et al. teach means for detecting whether or not the camera is movable, and means for inhibiting the video signal from being output when the camera moves (abstract, column 7, lines 13-16, column 9, lines

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9-12, column 11, lines 1-35). Morimura discloses the system stores signals at all times, which is not clear, it also stores signals when the camera is detected at any predetermined location (predetermined angle). By applying the teaching of Ishikawa et al. into Ohyama et al., Saito and Morimura system, this system can also store image signal only when the predetermined angle is detected. This allows an undesirable and useless picture is erased (column 2, lines 14-15).

Ohyama et al., Saito, Morimura and Ishikawa et al. fail to explicitly disclose inhibiting unit to inhibit image signal picked up by said pick up unit from being stored when an angle detected is different from said predetermined angle. However, Ishikawa et al. teach means for detecting whether or not the camera is movable, and means for inhibiting the video signal from being output when the camera moves (abstract, column 7, lines 13-16, column 9, lines 9-12, column 11, lines 1-35). Morimura discloses the system stores signals at all times, which is not clear, it also stores signals when the camera is detected at any predetermined location (predetermined angle). By applying the teaching of Ishikawa et al. into Ohyama et al., Saito and Morimura system, this system can also store image signal only when the predetermined angle is detected. It would have been obvious to include an inhibit unit to the system in order to prevent to store unwanted image. Doing so, it saves space in memory for only storing the desired image.

Regarding claim 20, Morimura discloses a control unit as microcomputer 17 (figure 10). Morimura discloses that the system stores signals at all times, that inherently includes "image signal stored by the storing means repeatedly".

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Regarding claim 21, Morimura discloses a control unit as microcomputer 17 (figure 10). Morimura discloses that the system stores signals at all times, that inherently includes those times when the camera is located at an angle not equal to the predetermined angle. This shows that “image signal stored by the storing means selectively”.

Regarding claim 22, Morimura discloses a control unit as microcomputer 17 (figure 10). Morimura discloses that the system stores signals at all times, and figure 4 shows that the images stored in the memory are readout. This includes the controlling output image signal when the predetermined angle is not detected.

Regarding claim 28, all the limitations are contained in claim 14. Therefore, see Examiner’s comment regarding claim 14.

Claim 30 is considered substantively equivalent to claim 18 discussed above.

Claim 31 is considered substantively equivalent to claim 20 discussed above.

Claim 32 is considered substantively equivalent to claim 21 discussed above.

8. Claims 6, 9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohyama et al (US 5,247,330) in view of Saito (US 5,631,699), Morimura (US 5,940,128) and Ishikawa et al. (US 4,939,580) further in view of Mizoguchi (EP 617562).

As for claims 6, 9, 19, Ohyama et al, Saito, Morimura and Ishikawa et al. do not explicitly state that the storage means includes more than two storage areas. This implies that two or more

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frames of image data may be stored in the memory. Mizoguchi also discloses a camera system that stores image data of people or images of events other than people. On page 4, lines 17+, Mizoguchi states that still image data can be stored as a group of image data. This allows for more than one frame of data to be stored at one time. This allows for more data to be replayed, which is advantageous. For this reason, it would have been obvious to have the storage means in the system of Ohyama et al, Saito, Morimura and Ishikawa et al capable of storing a plurality of frames by being divided into a plurality of storage sections.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

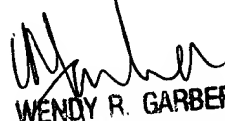
(703) 308-6306

or:

(703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

LN LN
5/19/2001


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